



**DEPARTMENT OF PERSONNEL
ADMINISTRATIVE REGULATION NO. 134**

**WORK SCHEDULES, DOCUMENTATION OF
ATTENDANCE: COMPUTING OVERTIME AND
PAYROLL PROCEDURES**

Issued: August 23, 2021

I. PURPOSE

This regulation is designed to ensure full compliance with all provisions of the Federal “Fair Labor Standards Act” (FLSA). It establishes minimum standards for the development, communication, and documentation of official work hours, work weeks, and work schedules; provides standardized attendance forms for use in all City agencies; explains provisions of the current compensation ordinance affecting overtime and related pay issues; and establishes a standardized method for rounding time and computing overtime and dock hours.

II. DEFINITIONS

Daily Attendance Records: Documentation of all daily beginning/ending times for each period of work, meal periods, number of hours worked each work day, total hours worked in the work week; notations explaining any differences between times entered on the attendance forms and time to be paid including approved paid leave and any unpaid time off the job; and the employee’s initials or signature attesting to the accuracy of the record (pay records, sign-in sheets, etc.).

Dock: A payroll term to withhold pay for scheduled time not worked or for which accrued time was not authorized.

Emergency Event: Unforeseen or periodic emergencies which pose immediate risk, or require urgent intervention such as a water main break, bridge collapse, flood, storm causing trees down, power failure, etc.

Emergency Schedule Change: The FLSA has no provisions for emergency scheduling of employees, unless otherwise subject to a prior agreement between the employee or the employee’s representative. Therefore, an appointing authority may *temporarily* change an employee’s work hours without giving prior notice or obtaining the employee’s consent, to deal with unforeseen or periodic emergencies (a situation which poses an immediate risk to health, life, property or environment and requires urgent intervention).

Furlough: Following declaration of a fiscal crisis, an employee may volunteer not to work and will not be paid for that time without loss of benefits, in an effort to remedy budgetary shortfall.

Guaranteed Minimum Call-Back Pay: Employees **designated in advance** as “on-call” who are then called back to duty, will be guaranteed a minimum of two (2) hours of “work” except in those instances where a department has established a higher minimum guaranteed number of hours for call-back with the prior approval of the Director of Personnel (see “Preface: General Provisions” of Section B of the Department of Personnel’s Pay Regulation Manual for additional details).

Meal Break: Bona fide meal periods (typically lasting at least thirty (30) minutes) serve a different purpose than coffee or snack breaks and are not work time and are not compensable. However, the employee must be completely relieved from duty for the purpose of eating regular meals in order for the meal break to be non-compensable. The employee is not relieved from duty if he/she is required to perform any duties, whether active or inactive, while eating. Federal law does not require lunch or coffee breaks; however, when employers do offer short breaks, federal law considers them compensable work hours.

Official Work Week/Work Schedule Report: Used by the operating agencies to record all work schedule changes, which includes job classification, employee name or identified group, official work week, work days, work hours and meal period, and conditions which involve work schedule variations.

On-Call: In order to receive on-call pay, an employee must occupy a full-time, bi-weekly rate position in a job classification that has, with the prior approval of the Director of Personnel, been designated in Section B of the Department of Personnel’s Pay Regulation Manual, as being eligible to receive on-call pay. Furthermore, the employee must be designated in advance by his/her appointing authority as being “on-call” and available to return to duty at any time other than his/her regularly scheduled shift during the on-call period.

Overtime:

- **Regular overtime:** Pay at the straight time (1.0x) rate for hours which may be worked outside of the employee’s regular daily schedule, but when taken into consideration with all hours credited towards hours worked for the week, are not in excess of the weekly eligibility threshold (usually forty (40) hours).
- **FLSA overtime:** Any time worked in excess of the weekly eligibility threshold (usually forty (40) hours) which will be paid at one and one-half time (1.5x) the employee’s regular hourly rate of pay (Overtime Code 3 and 4 employees).

Overtime Codes and Premium Pay Eligibility:

- (1) primarily managerial in nature, but may also include some professional or administrative classes that are ineligible for overtime pay under all but emergency conditions described in Section 15(d) of the compensation ordinance
- (2) supervisory, professional, and administrative classes that are ordinarily exempt from overtime compensation, **but which the City** compensates for overtime at the straight time rate (1.0x)
- (3) non-exempt classes that receive overtime compensation at the one and one-half time rate (1.5x)
- (4) non-exempt classes (EMS) that work an average bi-weekly work schedule of eighty-four (84) hours and receive overtime compensation at the one and one-half time rate (1.5x)

Permanent Change in Schedule: A work schedule change that will last longer than thirty (30) days.

Shift: Daily work hours; starting and ending times between which, the employee will normally be scheduled to perform work (*e.g.*, 8:00 a.m. to 5:00 p.m.).

Shift Differential: Premium received by full-time, bi-weekly employees who work a shift which currently requires, by ordinance, the completion of four (4) hours of work between the hours of 4:00 p.m. and 8:00 a.m. the following morning. The Director of Personnel shall determine the work assignments for which shift differential shall be paid in accordance with the provisions of the compensation ordinance. The assignment and removal of an employee from that assignment is determined by the appointing authority. Employees in the “M” schedule are eligible for Shift Differential only if *regularly scheduled* to work an eligible shift.

Weekend Differential: Premium received by full-time, bi-weekly employees who work a shift that requires work on any portion of an eligible day (Saturday and/or Sunday). Weekend Differential shall be paid in accordance with the provisions stipulated in the compensation ordinance. Employees in the “M” schedule are eligible for Weekend Differential only if *regularly scheduled* to work an eligible shift.

Work Schedule/Work Cycle: The elements of the work schedule include:

- Normal work days (*e.g.*, Monday – Friday)
- Daily work hours (starting and ending times (*e.g.*, 8:00 a.m. – 5:00 p.m.))
- Non-paid meal breaks or rest periods of thirty (30) minutes or more (*e.g.*, one hour for lunch)
- Total hours of work scheduled for the work week (usually forty (40) hours)

Work Week: A fixed and regularly recurring period of one hundred sixty-eight (168) hours, seven (7) consecutive 24-hour periods. Normally the official work week established for employees is 12:00 a.m. Sunday to midnight Saturday. (The FLSA does allow work cycles of longer than seven days for some sub-groups of Public Safety employees such as Uniformed Fire personnel.) Once established, the work week does not change though the work schedule (actual hours and days worked) may vary.

III. DOCUMENTATION OF WORK HOURS

A. PREFACE

In accordance with the current compensation ordinance, the following five (5) basic principles regarding documentation of work hours apply to **ALL** classified employees:

1. It is the responsibility of each appointing authority to assure that employees on their payroll have actually worked the time for which they are paid.
2. Full-time employment is defined as working at least an average of forty (40) hours per week.
3. Appointing authorities are required to submit to the Department of Personnel for all employees (a) the official work week and (b) the official work schedule.

4. All departments shall keep daily attendance records and submit reports of unexcused absence and leave; reports of overtime earned, granted, and paid; or the non-occurrence of same to the Director of Personnel in the form and on the dates specified.
5. Attendance and pay records **must** be maintained for a minimum period of five (5) years and until the Comptroller's audit for the period covered has been completed.

B. WORK WEEK

- When initially filling a new/vacant position, the work week is recorded on the personnel requisition form (PD-201, Rev. 9/08) in the 'Official Work Week' box (usually 12:00 a.m. Sunday to midnight Saturday).
- If an employee's work week/work schedule had not been reported, or if an agency proposes to make a permanent change to an employee's or group of employees' work week, then the new/revised work week must be submitted to the Director of Personnel using the 'Official Work Week/Work Schedule Report' form (copy attached).

C. WORK SCHEDULE

- If a 'permanent' (longer than thirty (30) days) change in a work schedule is being proposed, the appointing authority **MUST** give the affected employee(s) **AND** the Department of Personnel **at least two weeks notice BEFORE the change can be implemented**, in accordance with Section 14 of the current compensation ordinance, the department must receive approval from the Department of Personnel **PRIOR** to any permanent change in work hours is implemented.
- Agencies may *temporarily* adjust scheduled work hours in the event of an emergency as deemed by the appointing authority without having to report the schedule changes to the Department of Personnel *if* the schedule change is necessary to deal with unforeseen emergencies or staffing problems.
- Appointing authorities must take steps to ensure that:
 - work hours are not set or changed in a capricious or punitive fashion
 - full time, bi-weekly employees are afforded some level of certainty concerning work schedules
- Agencies should ensure that employees receive ample opportunity for rest from one regularly assigned shift to the next and should avoid establishing work schedules which:
 - do not afford employees at least two consecutive days off within a work week
 - have varied shift assignments within a single work cycle

While the Department of Personnel will not, generally, approve permanent work schedules which violate these basic tenets, the Director of Personnel will consider such requests, when deemed necessary by the appointing authority, on a case-by-case basis.

Under the provisions of the current compensation ordinance and in accordance with the FLSA, **"appointing authorities are prohibited from changing employee work schedules to avoid the payment of overtime."** In practice, this means that an appointing authority cannot reduce the number of scheduled days per week or the number of scheduled hours per work day to "offset" excess hours worked earlier during the same work week.

Exception: Should circumstances arise involving a serious safety violation, an employee may be sent home on a given day, with hours adjusted on another day during the same work week.

D. DIFFERENTIAL ASSIGNMENT PAY

SHIFT DIFFERENTIAL

The compensation ordinance defines the eligibility for shift differential pay under various conditions. The following points should clarify when shift differential pay is warranted.

For employees whose pay range is established in Section 2(a) or 2(b) of the compensation ordinance:

- An employee must work a shift that requires the completion of four (4) hours of work between the hours of 4:00 p.m. and 8:00 a.m. the following morning. The shift differential for these employees is one percent (1.0%) of the employee's regular base bi-weekly rate for each eligible shift worked in a bi-weekly pay period.
- Employees who are regularly assigned work schedules that require them to rotate among all three shifts (day, evening, and night) on a bi-monthly or more frequent basis are eligible for shift differential pay for all three shifts worked, even the day shift.
- Employees are eligible to receive shift differential for working part of an eligible shift providing the portion of the shift not worked is charged to approved paid leave. Shift differential will not be paid to an employee who was docked for any part of an eligible shift.
- Employees in the "M" schedule are only eligible for Shift Differential if they are *regularly* scheduled to work an eligible shift.
- Part-time and/or per-performance employees are not eligible for shift differential compensation.

Shift differential for employees whose pay range is established in Sections 2(c) and 2(d) of the compensation ordinance is defined and described in greater detail in the current compensation ordinance.

WEEKEND DIFFERENTIAL

The compensation ordinance defines the eligibility for weekend differential pay. Full-time, bi-weekly employees whose pay ranges are established in Section 2(a) or 2(b) of the current compensation ordinance who are scheduled to work on a Saturday and/or Sunday may be eligible for weekend differential:

- An employee shall receive weekend differential for working any portion of an eligible day provided the hours not worked are charged to approved paid leave. An employee shall not be paid weekend differential if docked for any portion of a day on which it would otherwise be paid. This differential shall be paid only for whole hours worked providing the portion of the day not worked is charged to approved paid leave.
- The differential paid to an eligible employee for working weekends is one percent (1.0%) of their base bi-weekly rate.
- Weekend Differential shall not be paid for any overtime worked that is not part of an employee's shift.
- Employees in the "M" schedule are only eligible for Weekend Differential if they are *regularly* scheduled to work an eligible shift.

- Employees compensated on an hourly or per performance basis or bi-weekly paid employees who work part-time are not eligible for weekend differential.

NOTE: For payroll purposes, the weekend differential shall be recorded on an agency's time sheets as another "shift" worked.

IV. WHAT CONSTITUTES OVERTIME FOR CITY EMPLOYEES

In accordance with the current compensation ordinance and as required under the FLSA, overtime will be paid for all hours worked in excess of the minimum established for an official work week/work cycle, which for most employees is forty (40) hours.

The City of St. Louis, as an organization, goes beyond what is required under the FLSA and, for most employees, in addition to the actual hours worked, has expanded its definition of hours applied towards the overtime threshold (usually 40 hours) to include authorized paid vacation, compensatory time, jury leave, and holidays.

A. ELIGIBILITY TO RECEIVE OVERTIME

For full time employees paid on a bi-weekly basis, eligibility for overtime payment, and the rate at which it is paid, depends on the employee's status under the provisions of the FLSA and in accordance with the current compensation ordinance, as either exempt Overtime Codes 1 and 2 (OVTM Code 1 and 2) or non-exempt Overtime Codes 3 and 4 (OVTM Code 3 and 4).

OVTM CODE 1 EMPLOYEES

(Exempt from FLSA provisions and ineligible for overtime)

Full-time City employees with an OVTM Code 1 are ineligible for overtime compensation *except under specific conditions when officially declared by the Mayor* and as further defined in the current compensation ordinance.

While there are fewer requirements under federal law for documenting the work hours of exempt (OVTM Code 1) employees who are ineligible for overtime, it is important to remember that the City is a public organization and subject to internal and external audits and appointing authorities are obligated under the compensation ordinance to ensure that employees have worked for the time they are paid.

In many cases, the actual number of hours worked each week may fluctuate due to the nature of the employee's position. Each department must keep sufficient records to document that OVTM Code 1 employees work an average of at least forty (40) hours per week. While it may not be necessary for all OVTM Code 1 employees to sign in and out every day, it is necessary for those who work an irregular work schedule. Simply requiring OVTM Code 1 employees to submit notice of any exceptions to a 40-hour work week could provide the necessary minimum documentation for audit requirements. However, in some instances, it may even be necessary for the operating department to establish special records to document that OVTM Code 1 employees are actually averaging at least forty (40) hours of work per week on an annual basis.

OVTM CODE 2 EMPLOYEES

(Exempt Status under the FLSA)

Full-time exempt City employees with an OVTM Code 2 are eligible for overtime at the straight time (1.0x) rate when directed by management, with the approval of the appointing authority, to work hours in excess of forty (40) hours in the official work week.

Compensation for overtime worked may be in the form of pay or the employee may be granted compensatory time off at the rate of one hour for each hour of overtime worked.

OVTM Code 2 employees must sign out/sign in for scheduled meal periods. If an OVTM Code 2 employee is directed by management to perform work during a scheduled meal period, that employee must receive overtime compensation for the meal period at the straight time rate.

OVTM CODE 3 EMPLOYEES

(Non-exempt Status under the FLSA)

The City compensates full-time OVTM Code 3 employees at the premium rate (1.5x the hours worked) for all hours worked in excess of the minimum established for an official work week or work cycle under the provisions of FLSA (usually forty (40) hours), however, some public safety classes may qualify for extended work week/work cycle provisions under the FLSA.

Supervisors and appointing authorities must not permit OVTM Code 3 employees to work during scheduled meal periods or to work prior to or past the end of the scheduled work period unless the time is counted as work hours. The FLSA requires that any period of time when the employee is “suffered or permitted” to work must be counted as time worked. Overtime work does not even have to be authorized to require payment; even a general prohibition against employees working overtime without prior authorization would not protect the employer against overtime liability.

It is critical that the attendance records document whether each OVTM Code 3 employee received a meal period. OVTM Code 3 employees must sign out/sign in for meal periods. To ensure that work is not performed by non-exempt employees during meal periods, it is recommended that supervisors make specific relief assignments for those in jobs which require staffing (such as phone coverage) during meal periods as required by the FLSA. If work is performed during a scheduled meal period, a notation should be made on that employee's attendance sheet or time card for the day and they should be paid overtime for the meal period at the 1.5x rate for each hour in excess of the official work week/work cycle (usually forty (40) hours).

OVTM Code 3 employees under Section 2(c) of the compensation ordinance who are working a 19-day work cycle are eligible to receive overtime after one hundred forty-four (144) hours are worked in a work cycle. The City does go beyond the FLSA requirement and pays overtime for emergency work at the end of a shift or emergency work required on a separate, non scheduled day, even if the total number of hours worked in the work cycle is not in excess of one hundred forty-four (144) hours. However, they shall not receive additional compensation for regularly scheduled hours in excess of one hundred forty-four (144) hours if they do not actually work more than one hundred forty-four (144) hours in the work cycle because of paid leave.

Police Officer Trainees, Police Probationary Officers and Police Officers shall be paid overtime, defined as one and one-half time (1.5x) the employee's regular standard rate of pay, for all hours worked in excess of their eight (8) hour work day or any hours worked on a scheduled day off. Only hours actually worked shall count toward overtime pay.

Police Sergeants – whose salary is established in Section 2(d) of this ordinance shall be paid overtime, as defined as one and one-half time (1.5x) the employee's regular standard rate of pay, for all hours actually worked in excess of one hundred sixty (160) hours in a twenty-eight (28) day work period. In addition to hours physically worked, holidays, discretionary holidays, and sick-injured time shall count toward the 160-hour threshold during the 28-day period that must be met to earn overtime. These employees shall receive additional compensation for authorized overtime, court time, and court standby time whenever the total accumulated time exceeds forty (40) hours.

OVTM CODE 4 EMPLOYEES

(Non-exempt Status under the FLSA)

OVTM Code 4 employees under Section 2(a) of the compensation ordinance who work an average bi-weekly cycle of eighty-four (84) hours receive overtime compensation at the premium rate (1.5x the hours worked) for all hours worked in excess of a forty (40) hour work week.

SPECIAL OVERTIME CONSIDERATIONS

Per performance employees are considered as working on an "as needed" basis and receive overtime compensation at the FLSA Overtime (1.5x) rate for hours worked in excess of forty (40) hours in their official work week regardless of the classification's overtime code. Except that per performance employees occupying a position in the Physician classification or any classification in the Attorney series shall receive overtime compensation at the standard (1.0x) rate for hours worked in excess of forty (40) in their official work week.

B. STANDARDIZATION OF RECORDS

Since OVTM Code 2, 3, and 4 employees are eligible for overtime compensation, appointing authorities must see that detailed daily attendance records are maintained for them.

In order to standardize the way attendance is documented for OVTM Code 2, 3, and 4 employees, the Department of Personnel has developed several styles of attendance/timekeeping forms, copies of which are attached. From these, the appointing authority and payroll personnel should select the form that is best suited for use in their work units. There are two possible exceptions to the use of the standardized forms:

1. Agencies may use time clocks in lieu of the standardized attendance sheets, provided that all of the necessary information is collected, documented and maintained as outlined above.
2. If an operating agency feels that it cannot effectively use one or more of the standardized forms, or wishes to implement different procedures, they must first submit their proposed timekeeping methods to the Department of Personnel for approval. Attendance/timekeeping forms approved by the Department of Personnel prior to this revision need no further approval.

C. COMPENSATORY TIME

Employees who wish to use compensatory time earned in lieu of pay must make their request in writing at least twenty-four (24) hours in advance of the day or days requested. The appointing authority shall keep in mind the staffing needs of the department when granting time off, but in any case time off will not be unreasonably denied.

In accordance with Section 15 of the compensation ordinance, if an **OVTM Code 1 or Code 2 employee** has earned compensatory time under one of the specified circumstances, it shall be granted to the employee at the discretion of the appointing authority in one of the following ways: 1) at the request of the employee; 2) on termination of services with the City.

Under the provisions of the FLSA and the compensation ordinance, **pay** is the regular method of compensation for recorded overtime hours for employees in classes with **OVTM Code 3 or OVTM Code 4**. When a non-exempt employee requests to use their **earned** (from working overtime) compensatory time with a notice of at least twenty-four (24) hours, the appointing authority must grant them the time off. The only situation where an appointing authority can deny an employee's request to take compensatory time off is when approval of the leave would create an extreme business hardship, such as when the work schedule or staffing of the organization would not allow it. In such a case, the appointing authority *shall* pay the employee for all or a portion of their accrued compensatory time.

V. **STANDARDIZED PROCEDURES FOR CALCULATING AND REPORTING TIME WORKED** (See attached "Premium Overtime (1.5x) Chart")

The Department of Personnel has developed a standardized system of rounding time worked and for computing overtime and periods of non-paid absence for all employees which shall be used for all City agencies. Any agencies wishing to use some other timekeeping system or forms must submit them for approval by the Department of Personnel prior to the time they wish to implement an alternate system.

A. STANDARDIZED ROUNDING INSTRUCTIONS

The FLSA allows employers to simplify timekeeping procedures by "rounding" small periods of time in a standard fashion **as long as** accurate records are maintained and the procedure used for rounding **time worked** is the same as the procedure used for rounding **time missed** (scheduled time not worked).

If the amount of actual time worked each day is something other than exact whole hours or an exact multiple of 15 (15, 30, or 45 minutes), standard procedures established by the City require that **the minutes portion of time worked be rounded to the nearest 15-minute increment (quarter-hour) for each day** of the bi-weekly pay period. There are four (4) 15-minute intervals (quarter hours) in an hour: 1-15, 16-30, 31-45, and 46-60 minutes, and each quarter hour is divided into two intervals of seven minutes. The first (7) minutes of each quarter hour would **round down** to the previous lower multiple of 15; the second seven (7) minutes of each quarter hour would **round up** to the next higher multiple of 15; whole hours and exact multiples of 15 do not have to be rounded (*e.g.*, 0, 15, 30, 45 and 60 minutes).

Converting Rounded Minutes to their Decimal Equivalent (% of an hour):

| | | |
|------------|---|------|
| 0 minutes | = | 0.00 |
| 15 Minutes | = | 0.25 |
| 30 Minutes | = | 0.50 |
| 45 Minutes | = | 0.75 |
| 60 Minutes | = | 1.00 |

When reporting time worked the responsible supervisor, manager, etc., should give the payroll clerk the **actual time** (hours/minutes) worked by their employees, **not** an amount already rounded up or down. Payroll clerks will only need to round the time worked on a *daily basis* to correctly calculate work hours, docks, etc.; departments **should not** add up small amounts of tardiness incurred over several days until they total one full hour.

Nothing in this regulation should be interpreted as establishing or authorizing a “grace period” for reporting to work. **Although an absence or tardiness of seven (7) minutes or less may not be rounded up or inflated for docking purposes, a department may still discipline any employee who repeatedly reports late to work, even though the tardiness may not result in an actual dock due to the adoption of the outlined rounding procedures.**

B. OVERTIME COMPUTATION PROCEDURES

Under provisions of the FLSA, **work hours for purposes of determining eligibility for overtime pay must be computed on a one-work-week basis** (usually 40 hours, but may be an approved alternate work cycle) and cannot be averaged over a period greater than the work cycle authorized. Therefore, payroll personnel **must wait until the end of each work week** before they can determine total hours worked for the week, if there is overtime due, if there is a dock, etc.

- **NO OVERTIME/NO DOCK:** If the total number of hours actually worked plus approved paid time off in the official work week **EQUALS** the minimum number of hours the employee is scheduled to work (usually 40 hours), then no overtime and no dock hours would be entered on the time sheet.
- **OVERTIME PAY DUE:** If the total number of hours actually worked plus approved paid time off in the official work week **IS GREATER THAN** the minimum number of hours the employee is scheduled to work (usually 40 hours), then overtime hours should be entered on the time sheet.

Note: In addition to the actual hours worked, only paid vacation, compensatory time, jury leave, holidays, and “O” days shall count as hours worked for the purpose of determining eligibility for overtime compensation, in accordance with Section 15 of the current compensation ordinance.

When full-time employees are required to work on a holiday they shall be entitled to compensation for the holiday and the hours actually worked in accordance with the current compensation ordinance.

When a City holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to have compensatory time added to his/her balance in an amount proportionate to the number of hours regularly scheduled in a day or shift, in accordance with the current compensation ordinance.

Employees of the EMS, whose positions are classified as EMS Dispatcher, EMS Lead Dispatcher, EMT, Paramedic, or Paramedic Crew Chief will be compensated with pay in lieu of compensatory time for all holidays, in accordance with the current compensation ordinance.

C. SALARY REDUCTIONS

SALARY REDUCTIONS FOR OVTM CODE 1 AND 2 EMPLOYEES FOR TIME NOT WORKED

When an OVTM Code 1 and 2 employee works only part of his/her regularly assigned schedule in a work day and the employee is not on jury, witness, military or other form of leave permitted by the current compensation ordinance, measures must be taken into account for the amount of time not worked. The Department of Labor's provisions in the FLSA allow eligible public employers (the City of St. Louis meets this eligibility criterion) to reduce the salary of exempt employees for any period of absence when one or more of the following conditions exist:

1. permission for the use of paid accrued leave has not been sought, or has been sought and denied; *or*
2. accrued leave has been exhausted; *or*
3. the employee chooses to use leave without pay; *or*
4. hours taken as unpaid leave under FMLA; *or*
5. infractions of safety rules of major significance; *or*
6. violations of workplace conduct or rules.

It should be noted that serious violations of the City's written policies regarding workplace conduct (*e.g.*, sexual harassment, workplace violence, drug and/or alcohol usage, or any violation of state and/or federal law) shall result in an unpaid disciplinary suspension of one or more full days. Please note that this is a limited provision and that public employers are still prohibited from reducing the salary of exempt employees for disciplinary reasons other than those actions listed above. Reduction in pay due to variations in the quality or quantity of the work performed is prohibited.

All other "exemption test" criteria used to determine individual eligibility for FLSA exemption remain in effect.

Some OVTM Code 1 and 2 employees work flexible schedules that result in varied daily work hours, where less than-eight-hour days are offset by other days where the employee is required to work more than eight hours. Employees are not to be reduced in salary for these planned and agreed upon schedule variations, which are distinguished from absences where an employee fails to work the full, agreed upon work schedule and which would, therefore, require either the use of accumulated leave or a salary reduction as outlined above.

D. RECORDING DOCK HOURS

For most employees in most work weeks, there will be little change in how time for the work week must be recorded on the time sheet for payroll purposes:

- When employees work only their scheduled work hours or have paid-time off which covers absences, no overtime or docks will appear on the time sheet.
- When employees work their scheduled work hours plus additional hours, the additional hours will be **recorded in the appropriate overtime column of the time sheet.**

The “**FLSA OT**” column for OVTM Code 3 and 4 employees who receive premium overtime at the 1.5x rate.

The “**ST OT**” column for OVTM Code 2 employees who receive overtime pay at the straight 1.0x rate.

- When employees have no paid leave available to cover their absence, and do not work their scheduled hours, a dock will be entered on the time sheet.

Payroll personnel must keep accurate departmental records of non-paid time for each employee, even for instances which did not result in an actual dock appearing on the time sheet, since such time is still “dock hours” and must be considered when determining eligibility for any program or to gauge compliance with any rule which considers “dock hours” as part of eligibility criteria.

Exceptions/Special Considerations:

- **Non-Paid Absence:** In many cases, whenever a City employee is not paid for scheduled time not worked, such absence will result in a dock that can be recorded on the payroll time sheet. However, *it is also possible for an employee to fail to work some regularly scheduled hours in a work week, but in the same work week, also work additional non-scheduled hours which, in effect, “cancel out” the dock hours. Such non-paid absences, or “docks,” which are offset by additional non-scheduled hours worked in the same work week are not recorded on the payroll time sheets.* Even though the non-paid absence may not appear as a dock on the time sheet, the missed time is still a dock and must be tracked on an on-going basis. Such absences will not appear in any annual “Dock” report generated by the Information Technology Services Agency (ITSA) like those used to determine eligibility for certain programs. **Payroll clerks will need to develop an internal tracking system to record such instances of non-paid absence which do not result in a dock on the time sheet.** Departments will need this information to document that affected employees did receive a dock even though it did not appear on the time sheet, and that they were ineligible for holiday pay, an attendance bonus or bi-weekly medical leave accrual.
- **Holiday Pay and Docks:** If an employee is “docked” on the scheduled work day/day(s) surrounding (or on) a holiday, he/she is not eligible to receive compensation for the holiday even if the “dock” did not appear on the time sheet because it was canceled out by extra, non-scheduled hours worked by the employee during the same work week.

- **Attendance Bonus and Docks:** Under provisions of the current compensation ordinance and the Department of Personnel Pay Regulation Manual, the Director of Personnel may establish a system of paid time off or cash awards for perfect attendance or low sick/medical leave usage. Certain absences count against eligibility to receive the attendance bonus. A non-paid absence which does not result in a dock recorded on the time sheet because of offsetting additional hours worked in the work week still counts as a “dock” for the purpose of determining eligibility for the “Attendance Bonus Program.”
- **Medical Leave Accrual and Docks:** If an employee is docked from the payroll for one (1) hour or more in a bi-weekly pay period he/she will not to accrue medical leave for the pay period the dock occurred, in accordance with the compensation ordinance.
 - *Special Procedures for Medical Leave Accrual and Docks:* In instances where an employee is docked for one (1) hour or more and is ineligible for medical leave accrual for the pay period, but for whom a dock could not be recorded because excess hours worked on other scheduled work days offset the docks, the medical leave accrual will not automatically be deleted by the computer in the Information Technology Services Agency since no dock can be entered on the time sheet. Therefore, payroll personnel must manually adjust the medical leave accrual for that pay period by submitting a “Vacation/Medical Leave/CT Adjustment” form to the Personnel Services Section of the Department of Personnel.
- **Inclement Weather and Docks:** In accordance with the current compensation ordinance employees will not lose their medical leave accrual for the pay period if management decides to send them home due to inclement weather.

VI. SAFE HARBOR

It is the policy and practice of the Department of Personnel to accurately compensate employees and to do so in compliance with all applicable local, state, and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, time must be recorded correctly. It is recommended that employees be advised by their appointing authorities and payroll personnel to review their pay stubs and to promptly identify and report all errors. It is also recommended that appointing authorities recommend to their employees that they do not engage in off-the-clock or unrecorded work.

VII. FALSIFICATION OF RECORDS

Sections 13, 22, and 24 of the City Charter provide powerful mechanisms for recovering unauthorized compensation and for penalizing those who violate the provisions of Article XVIII of the City Charter, the Civil Service Rules, and the current compensation ordinance. Employees who falsify attendance or payroll records are subject to severe disciplinary action including possible suspension or dismissal for the first offense.

Questions concerning this regulation should be referred to the Classification and Compensation Section of the Department of Personnel at 622-3565.

DEPARTMENT OF PERSONNEL

Richard R. Frank
Director